

Appl. No. 09/936,824
Response to Office Action of Dec. 14, 2004

PATENT
Docket No.: FR000095
Customer No. 000024737

REMARKS

By this amendment, claims 1, 4, 5 and 7 have been amended. Claim 3 has been canceled. Claims 1, 2 and 4 - 17 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, are respectfully requested.

Allowable Subject Matter

Claims 3-5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Allowability of claims 3-5 and 7-10 is noted with appreciation.

In place of rewriting claim 3 which depends from claim 1 with no intervening claims, claim 1 has been amended to include the limitations of allowable dependent claim 3 (now canceled). Accordingly, claim 1 is prima facie allowable. Claims 4 and 5 have been amended to depend from now allowable amended claim 1. Accordingly, claims 4 and 5 are prima facie allowable.

Claim 7 has been amended to be in independent form, including all of the limitations of the base claim and any intervening claims. Accordingly, claim 7 is in prima facie condition for allowance. Claims 8-10 which depend from now allowable amended claim 7 are prima facie allowable.

Rejection under 35 U.S.C. § 103

Claims 1, 6, 11, 12 and 14-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazess et al (US 5,841,833) in view of Vining (US 6,366,800). With respect to claim 1, claim 1 has been amended herein to include the limitations of allowable dependent claim 3. Accordingly, claim 1 is prima facie allowable. Claims 6, 11, 12 and 14-17 depend from and further limit, in a patentable sense, now allowable

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amended claim 1. Accordingly, claims 6, 11, 12 and 14-17 are prima facie allowable. The rejection of claims 1, 6, 11, 12 and 14-17 under 35 U.S.C. §103 should be withdrawn.

Accordingly, claims 1, 6, 11, 12 and 14-17 are allowable and an early formal notice thereof is requested.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazess et al (US 5,841,833) in view of Vining (US 6,366,800) as applied to claim 1 above and in further view of Greenberg et al (US 6,301,498). Claim 2 depends from and further limits, in a patentable sense, now allowable amended claim 1. Accordingly, claim 2 is prima facie allowable. The rejection of claim 2 under 35 U.S.C. §103 should be withdrawn.

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mazess et al (US 5,841,833) in view of Vining (US 6,366,800) as applied to claim 1 above and in further view of Grenier et al (US 5,079,698). Claim 13 depends from and further limits, in a patentable sense, now allowable amended claim 1. Accordingly, claim 13 is prima facie allowable. The rejection of claim 13 under 35 U.S.C. §103 should be withdrawn.

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Conclusion

It is clear from all of the foregoing that independent claims 1 and 7 are in condition for allowance. Dependent claims (2, 4-6 and 11-17) and (8-10) depend from and further limit independent claims 1 and 7, respectfully, and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced.

An early formal notice of allowance of claims 1, 2 and 4-17 is requested.

Respectfully submitted,

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2/5/05